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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,979	05/14/2001	Scott LeKuch	Y0R920000700US3	9085
7590	11/17/2004		EXAMINER	
Harry F. Smith, Esq. Ohlandt, Greeley, Ruggiero & Perle, L.L.P. 10th Floor One Landmark Square Stamford, CT 06901-2682			NGUYEN, CHANH DUY	
			ART UNIT	PAPER NUMBER
			2675	
			DATE MAILED: 11/17/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/854,979	LEKUCH ET AL
	Examiner	Art Unit
	Chanh Nguyen	2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 August 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24, 26-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

1. The amendment filed on August 20, 2004 has been entered and considered by examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 22-24 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al (U.S. Patent No. 5,963,199) in view of Brown et al (U.S. Patent No. 4,430,526).

As to claim 22, Kato discloses a computing system including an input device (3) and a computing device (5), said input device including a memory (RAM 361), a controller having a first CPU (microcontroller 353) and an electronic pen input device (31) operative to emit a first signal (e.g., oscillating frequency fa1) having a first characteristic (see column 6, line 66 through column 7, line 3).

Kato teaches that "if an eraser signal is inputted (YES at step S606), the data at the appropriate eraser position is erased (S607) (see column 8, lines 24-27) as well as "the input unit 31 is provided for each of the functions prepared in the software used in the embodiment 1. Thus, an eraser-like button switch may be prepared in correspondence to the erasure function of FIG. 6" (see column 9, lines 25-29). Thus it would have been

obvious to one of ordinary skill in the art that the pen unit (31) of Kato emits at least two signals: one is oscillating frequency and another one is erasing signal. The erasing signal in Kato reads on a second signal having a second characteristic.

Kato teaches the computing device including a second CPU (image processor (5), a detector (e.g., EM loop or X-Y loop) for detecting said characteristic of the emitted signals (see column 5, line 65 through column 6, line 6 and column 9,lines 14-24). Kato teaches the controller (353) interfaced with the detector (EM loop or X-Y loop) so that the first CPU (353) selectively interprets the emitted signals as one of information to be stored by the input device (3) and information to be forwarded to said computing device (5) and that routes (a) to the memory the information to be stored therein and (b) to the computing device the information to be forwarded thereto for processing by said second CPU (5) (see column 8, lines 1-47 and column 9,lines 14-35).

As mention above, Kato suggests that the pen input (31) emits a second signal (i.e. erasing signal) as cited in column 9, 8,lines 24-28 and column 9, lines 14-24. Moreover, examiner cites the reference of Brown to teach the use of eraser that is well-known in the art (i.e. a second tip 33 performs the function of erasing); see column 9, lines 26-54). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used a eraser in a second tip of the pen as taught by Brown to the pen input of Kato so that the information can be erased in real time (see column 6, lines 31 of Brown).

As to claim 23, Brown clearly teaches a switch (330 and 340) wherein the characteristic of the emitted signal being determined by operation of said switch (see column 9, lines 22-37).

As to claim 24, Brown teaches first and second tips (32 and 31) that emit said first and second signals (writing signal and erasing signal), respectively, and wherein first and second signals is emitted depends on which one of said two-first and second tips is selected by a user switch (see column 9, lines 15-37).

As to claims 27-28, Kato teaches a second CPU (5) of the computing device responds to the information forwarded thereto based on detection of the second signal (erasing signal) to control a display and function of the computing device (see column 8, lines 24-58 and column 9, lines 25-35).

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Brown as applied to claim 22 above, and further in view of Kodama (U.S. Patent No. 6,417,844 B1).

As to claim 26, note discussion of Kato and Brown above, both do not mention memory including a Flash RAM type memory. Kodama teaches the use of flash memory for storing data inputted by a user. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used a flash memory as taught by Kodama to microcontroller of Kato as modified by Brown so that data inputted by a user can be stored in the memory.

Response to Arguments

5. Applicant's arguments with respect to claims 22-24 and 26 have been considered but are moot in view of the new ground(s) of rejection.

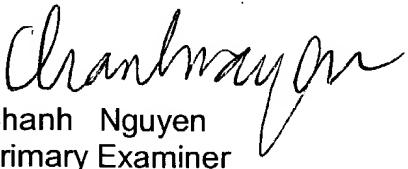
In view of amendment, the references of Kato and Brown have been used for rejection.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603. The examiner can normally be reached on Monday- Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Chanh Nguyen
Primary Examiner
Art Unit 2675


C. Nguyen
November 13, 2004